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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,199	11/07/2001	Tadahiro Oku	P 284088 T4MH-01S1387-1	4670
909 7590 01/02/2008 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			EXAMINER CHOWDHURY, NIGAR	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 01/02/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/986,199	Applicant(s) OKU ET AL.	
	Examiner Nigar Chowdhury	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed on 10/05/2007 have been fully considered but they are not persuasive.

In re page 5, applicant argues that Kuroda fails to disclose recording apparatus that includes an optical disk drive and a hard disk drive. Kuroda also fails to disclose judging section "upon the determining section determining that the recording-destination drive is being accessed by the second task.....enable the first task to execute the..." recited in claim 1.

In response, the examiner respectfully disagrees. Kuroda discloses from col. 4 lines 25-28, col. 4 lines 38-41 that "the temporary.....storage device like a hard disk....." and "The storage device.. stores content signals according to a viewer's direction. The storage device 105 may comprises a plurality of storage device with a removable medium such as video cassette recorder....DVD" Kuroda teaches recording apparatus optical disk drive and hard disk drive. Kuroda also discloses from col. 5 lines 9-col. 6 lines 23 that "In reference....the content signals is moved to one of the storage device...while storage data bus is not busy because degree of congestion to reserve recording is low. Higher priority may be given to move from the temporary storage device ... into the storage device 105 if the viewer requests. The movement may be suspended while unexpected load is given to data bus because the video recorder/player executes trick play.....copying process is parallel with recording from broadcasting media to the temporary storage device...." Kuroda discloses interruption

of second task which might be suspended due to interruption of first task which might be trick play.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 3, 4 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,311,011 by Kuroda.

2. Referring to **claim 1**, a recording apparatus comprising:

- two recording drives comprising an optical disk drive and a hard disk drive, each of the two recording drives configured to record information containing video data (fig. 2, col. 4 lines 25-44)
- A determining section configured to determine, after recording has been programmed and during activation of a first task that executes the programmed recording in real-time, whether a recording-destination drive from among the two recording drives on which the programmed recording

is executed, has already been accessed by a second task (col. 2 lines 49-51, col. 4 lines 18-53)

- A judging section configured to judge, upon the determining section determines that the recording-destination drives is being accessed by the second task, whether first and second tasks can be executed by providing simultaneous access to the recording-destination drive for the first and second task (col. 5 lines 9-col. 6 lines 23).
- An interrupting process section configured to (a) interrupt the second task, upon the judging section judging that real-time recording of the first task cannot be executed, and (b) enabling the first task to execute the programmed recording on the recording-destination drive (col. 5 lines 9-col. 6 lines 23. Temporary storage device records programmed recording and storage device records viewer identified program which is copied from temporary storage device. Storage device is parallel with recording from broadcasting media to the temporary storage device. Therefore, coping process might be interrupted while video recorder/player executes trick play)
- An executing section configured to make the first task to execute the programmed recording using one of the recording-destination drive (col. 5 lines 9-col. 6 lines 23).

3. Considering **claim 3**, the recording apparatus wherein the interrupting process section includes a section which suspends the second task currently using the recording-destination drive, and apparatus further comprising a section which restarts the second task after finishing the programmed recording (col. 5 lines 9-col. 6 lines 23).

4. Referring to **claim 4**, the recording apparatus wherein the interrupting process section includes a section which forcibly finishes the second task currently using the recording-destination drive (Col. 6 line 30-40).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

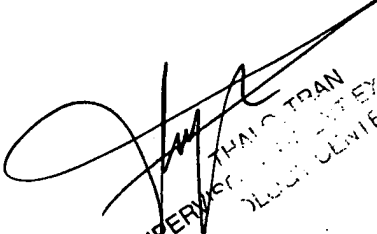
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nigar Chowdhury whose telephone number is 571-272-8890. The examiner can normally be reached on 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NC
12/26/2007


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